

JUDGE PRESKA

McDERMOTT & RADZIK, LLP.
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07 CIV 8772

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

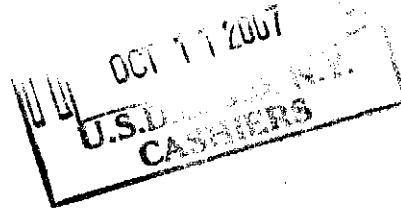
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ZURICH AMERICAN INSURANCE CO.,

Plaintiff,

-against-

MAXJET AIRWAYS, INC.,

Defendant.
-----X



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COMPLAINT

Plaintiff, complaining of the defendant, by its attorneys, McDERMOTT & RADZIK, LLP., sets forth and alleges to this Court upon information and belief, as follows:

1. That this is a claim under the "Warsaw Convention" 49 U.S.C. App. §1502, with jurisdiction pursuant to 28 U.S.C. §1331.
2. At and during the times hereinafter mentioned, plaintiff was and is a corporation formed under the laws of one of the states of the United States and has an office and place of business located at 105 East 17th Street, New York, New York 10003.
3. At and during the times hereinafter mentioned, defendant, MAXJET AIRWAYS, INC., was and still is a foreign corporation or other business entity and acted as an air freight forwarder, indirect air carrier, consolidator, bailee and/or common carrier of merchandise

by air for hire and has an office and place of business at 45025 Aviation Drive, 4th Floor, Dulles, Virginia 20166.

4. That on or about May 1, 2007 at Glasgow, Scotland there was delivered to defendant, as an air common carrier, a shipment of 800 cartons of whiskey then being in good order and condition and defendant accepted the shipment so shipped and delivered to it and in consideration of certain agreed freight charges thereupon paid, or agreed to be paid, agreed to transport and carry said shipment to New York under MAWB 386-1001-5876 and there to deliver same in like good order and condition.
5. At destination the shipment arrived short and damaged, in violation of defendant's obligations and duties as a common carrier and/or due to defendant's negligence and/or misconduct.
6. Plaintiff was the subrogated underwriter of the shipper, consignee or owner of the aforesaid shipment and brings this action on its own behalf and as agent and trustee on behalf of and for the interest of all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear and plaintiff is entitled to maintain this action.
7. By reason of said premises, plaintiff has sustained damages in the amount of \$4,815.38, no part of which has been paid, although duly demanded of defendant.

WHEREFORE, Plaintiff prays:

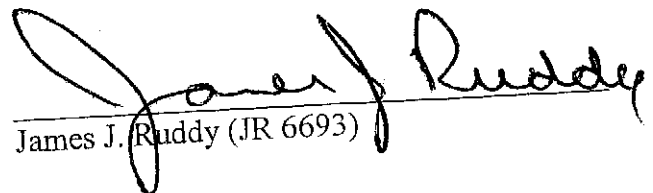
1. That process in due form of law may issue according to the practice of this Court against defendant.
2. That if defendant cannot be found within this District, that all its property within this District be attached in the amount set forth in this Complaint.

3. That judgment be entered in favor of plaintiff against defendant for the amount of plaintiff's damages together with interest and costs.
4. That this Court will grant the plaintiff such other and further relief as may be just and proper.

Dated: New York, New York
October 9, 2007

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Ref.: 10-07-2015 JJR

By:


James J. Ruddy (JR 6693)